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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION  
17

18 COREPHOTONICS, LTD.,  
19  
20 Plaintiff,  
21  
22 v.  
23 APPLE INC.,  
24 Defendant.  
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Case No. 3:17-cv-06457-JD (lead case)  
Case No. 5:18-cv-02555-JD

**DECLARATION OF LOWELL D.  
MEAD IN SUPPORT OF APPLE INC.'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO SUBMIT SUPPLEMENTAL  
CLAIM CONSTRUCTION BRIEFING**

1 I, Lowell D. Mead, hereby declare:

2 1. I am a partner with Cooley LLP. I am counsel for Defendant Apple Inc. in action.  
3 I make this declaration in support of the Administrative Motion For Leave To Submit Supplemental  
4 Claim Construction Briefing by Apple Inc. ("Apple"). I have personal knowledge of the facts  
5 contained within this declaration unless otherwise specified herein, and if called as a witness, could  
6 testify competently to the matters herein.

7 2. Apple sought to obtain a stipulation regarding the relief requested in Apple's motion  
8 and was unable to do so.

9 3. On the morning of April 26, 2023, counsel for Apple emailed counsel for defendant  
10 Corephotonics, Ltd. ("Corephotonics") stating as follows:

11 Counsel,

12 In the pending reexamination of the '291 patent, the PTO's office  
13 action dated December 22, 2022 determined that claims 1-7, 10-11,  
14 and 14 are subject to a means-plus-function claim construction for  
15 the "camera controller" element, and indicated that these claims  
16 would be allowable over the cited prior art on the basis of that claim  
17 construction. In view of Corephotonics's response filed April 24  
18 (attached) requesting that the PTO issue a reexamination certificate  
19 confirming the validity of those claims, Apple plans to request that  
20 the Court adopt a means-plus-function claim construction for the  
21 "camera controller" element in asserted claims 1-7 and 10.

22 Apple plans to file no later than Thursday April 27 a submission  
23 with the Court on this issue given that the Markman hearing is  
24 scheduled for next Thursday, May 4. Please let us know if  
25 Corephotonics will stipulate that the "camera controller" element is  
26 subject to means-plus-function interpretation so that the parties can  
27 promptly advise the Court accordingly. If Corephotonics does not  
28 agree to stipulate to a means-plus-function interpretation by  
29 Thursday at 2:00 pm, Apple will understand that this claim  
30 construction issue is disputed and will therefore request that the  
31 Court accept supplemental briefing on this dispute and schedule any  
32 continued or additional hearing the Court deems appropriate.

33 Please promptly let us know Corephotonics's position. We can be  
34 available to discuss live at your convenience if you would like.

35 The email attached a copy of the response to the Patent Office action filed by Corephotonics on  
36 April 24, 2023.

37 4. On April 27, 2023, counsel for Corephotonics responded to Apple's email and stated  
38 as follows:

1 We do not agree that Apple is free to simply re-open claim  
2 construction briefing, which was completed long ago, to assert new  
3 claim construction positions for the first time less than a week  
4 before the claim construction hearing. Apple's proposed  
5 submission is unauthorized.

6 I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct to the best of my knowledge.

8 Dated: April 27, 2023

/s/ Lowell D. Mead  
Lowell D. Mead